

REMARKS

This paper is presented in response to the U.S. PTO December 10, 2004 Notice of non-compliance, the PTO paper indicating,

Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted 37 CFR1.121(h)."

Applicants assume that the PRELIMINARY AMENDMENT of September 15, 2004 has not been entered, for the purposes of this paper. Accordingly, the specification and claim changes are presented again without a "clean" copy of changes to page 45. To explain, although the handwritten commentary on the U.S. PTO paper is silent, the form language indicates that , if the notice of non-compliance is with respect to a PRELIMINARY AMENDMENT—AND THE PAPER HELD TO BE NON-COMPLIANT IS A PRELIMINARY AMENDMENT, FAILURE TO COMPLY will result in examination on the merits without the proposed changes: that would dictate that the applicants' September 15, 2004 paper was not entered.

As noted in the Preliminary Amendment of September 15, 2004. This paper is presented by having pages 45 et seq scanned, accordingly, no change is presented. Claims 1-2 were canceled and are added as claims 23-24. Specifically, in view of the Notice to file Missing Parts, Page 45 has been amended to delete Claims 1 and 2 (which appeared on page 45). No clean copy of page 45 amendments is attached [please note that MPEP 714 states that 'A separate clean version... is not required'; there is no express

prohibition in Rule 121 or in the MPEP concerning a clean version. Moreover, Rule 121(h) on the PTO form does not relate to the proposition quoted.

Respectfully submitted,

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